REMARKS

The Office Action mailed October 5, 2006 considered claims 1-48. Claims 1-48 were rejected under 35 U.S.C. §§ 102 or 103 over *Mangipudi, Sashino, Kambara, Toga, Choquier, Ludwig, C. Mohan, Perlman,* and/or *Rabinovich.*[1][2]

By this amendment claims 1-6, 25, 27, 30 and 34-37 have been amended, claims 17-24 and 38-48 have been cancelled and claim 49 has been added.[3] Claims 1, 25 and 49 are the only independent claims at issue.

The present invention is generally directed to controlling a plurality of computer systems from a controller. For example, claim 1 defines maintaining a plurality of unique sets at a controller, each unique set differentiated by operational capability, customer association or application running, and comprising a grouping of at least one computing device configured to process jobs. Claim 1 further defines determining that a computing device of at least one of the unique sets has finished a portion of the jobs assigned to the computing device. Claim 1 defines providing at the controller a new job corresponding to at least one operation to perform on a computing device of the plurality of unique sets. Claim 1 defines receiving a command to redeploy the computing device that finished a portion of the assigned jobs part to a new unique set. Claim 1 defines sending a message from the controller to each computing device in the new unique set, the message instructing each computing device that receives the message to execute the new job. Claim 1 defines controller, an act of storing results of the new job from each

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[1] Claims 1-4, 6-8, 10-13, 17, 19, 20-21, 23-33, 34-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi (US 6,728,748) hereinafter *Mangipudi* in view of Sashino et al. (US 6,701,323) hereinafter *Sashino* and further in view of Kambara et al. (US 2002/0116537) hereinafter *Kambara.* Claims 5, 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Mangipudi* in view of *Sashino* and further in view of *Kambara* as applied to claim 1 above, and further in view of Toga (US 5,987,504) hereinafter *Toga.* Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Mangipudi* in view of *Sashino* and further in view of *Kambara* as applied to claim 1 above, and further in view of Choquier et al. (US 5,774,668) hereinafter *Choquier.* Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Mangipudi* in view of *Sashino* and further in view of *Kambara* as applied to claim 1 above, and further in view of Ludwig et al. (US 6,789,105) hereinafter *Ludwig.* Claims 16, 18, 38, 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Mangipudi* in view of *Sashino* and further in view of *Kambara* as applied to claim 1 above, and further in view of C. Mohan (Exotica: A Project on Advanced Transaction Management and Workflow System) hereinafter *C. Mohan.* Claim 41 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Mangipudi* in view of *Sashino* and further in view of *Kambara* as applied to claim 1 above, in view of *C. Mohan* and further in view of Perlman et al. (US 5,978,381) hereinafter *Perlman.* Claims 43-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rabinovich et al. (US 6,125,394) hereinafter *Rabinovich* in view of *Mangipudi* and further in view of *Kambara.* Claims 22, 36-37, 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Mangipudi* in view of *Sashino* in view of *Kambara* as applied to claim 1 above, and further in view of *Rabinovich.*

[2] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[3] Support for the amendments to the claims are found throughout the specification and previously presented claims, including but not limited to paragraphs [0009], [0031], [0034], [0038], [0039], [0042], [0071], [0073], [0102] and Figures 2 & 3.

computing device in the new unique set. Claims 25 is a computer system claim corresponding to claim 1.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

Mangipudi describes a method and apparatus for policy based class of service and adaptive service level management within the context of an internet and intranet. *Mangipudi*, further describes a routing host that receives client requests for websites, assigns a class based on policies and uses an adaptive policy engine to balance network traffic in real-time among the available servers using one of many algorithms to provide a consistent response time (Col. 4:35-64). *Mangipudi* also describes organizing backend servers into clusters and designating each to a class of service; requests are received by each server according to the load balancing algorithm used by the routing host. A control center is used to control the clusters (Col. 5:34-40).

Sashino describes an object management system and method for a distributed object system. *Sashino* further describes a system for handling rapid increases in internet traffic using distributed objects (Col. 1:30-32, 51-55). *Sashino* also describes a method for adding new objects and load-balancing by activating/deactivating distributed objects (Col. 1:55-58). *Kambara* describes using a cluster of computers with a cluster managing server, where the server determines which nodes can process certain requests and assigns the requests to the nodes (see Abstract). *Kambara* further describes using a main server and a designated backup server for each task to improve reliability (par. [0005]).
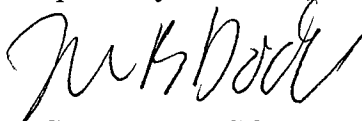
Neither *Mangipudi*, *Sashino* nor *Kambara* teach or suggest maintaining a plurality of unique sets at a controller, each unique set differentiated by operational capability, customer association or application running, and comprising a grouping of at least one computing device configured to process jobs, as recited in claim 1. Furthermore, neither *Mangipudi*, *Sashino* nor *Kambara* teach or suggest receiving a command to redeploy the computing device that finished a portion of the assigned jobs part to a new unique set, as recited in claim 1. At least for either of these reasons, claim 1 patentably defines over the art of record. At least for similar reasons, claim 25 also patentably defines over the art of record. Since each of the dependent claims depend from one of claims 1 and 25, each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 4th day of December, 2006.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
MICHAEL B. DODD
Registration No. 46,437
GREGORY R. LUNT
Registration No. 57,354
Attorneys for Applicant
Customer No. 47973

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